



# UNITED STATES PATENT and TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
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In re application of :  
Christopher Kelly et al : DECISION ON  
Serial No. 09/680,854 : PETITION  
Filed: October 6, 2000 :  
For: PIPETTE WITH IMPROVED PIPETTE MOUNTING SHAFT:

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION (MPEP 711.03(c), SECTION II), filed April 8, 2003. The petitioner asserts that the Office letter dated June 19, 2002 was not received by the applicants.

## DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

The evidence presented is sufficient to establish that the above noted Office letter was not received by petitioner. The evidence provided includes a statement by the petitioner that the Office letter was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Office letter was not received. Also provided is a copy of the attorney's docket records for the period June 3, 2002 through February 14, 2003 where the Office letter dated June 19, 2002 would have posted had it been timely received.

Since the case was never officially abandoned, via Notice Of Abandonment letter from the office, the Office Action mailed June 19, 2002 will be remailed with the period for response restarted.

The Petition is **GRANTED**.

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